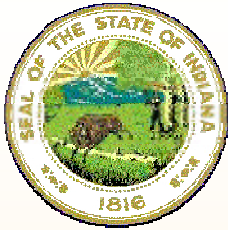


SENATOR JIM LEWIS

SENATE MINORITY CAUCUS CHAIRMAN



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For complete bill information
and committee hearing dates,
visit the General Assembly's
web site at:
www.in.gov/legislative/

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Dear Friends:

The forces of mother nature definitely left its mark on 2005. Hurricanes Katrina and Rita proved this a few months ago when they brought about unimaginable destruction and loss of life throughout the Gulf Coast. But in the face of these catastrophic storms, it was very uplifting to hear about the many acts of kindness and generosity of so many Americans.

I was very proud of how quickly our state took action to provide assistance. Within days of Hurricane Katrina, Operation Hoosier Relief, Indiana's disaster-assistance team, deployed National Guardsmen, Natural Resource Conservation Officers, law enforcement teams, medical personnel and other volunteers to aid in recovery efforts.

Here in Indiana, tornadoes ripped through parts of the state in November which also took a heavy toll. The outpouring of help and financial aid from local citizens, businesses and Hoosiers throughout the state was of great assistance to those most hurt by these storms. As we begin to rebound and rebuild, I hope this spirit of giving continues.

The Senate will convene January 9th for the short session of this General Assembly which must conclude business by March 14th. Many issues will come before us including a look at our state's emergency management plans to determine if there is anything we need to do legislatively to better prepare us to take quick action in the event of a future disaster.

Senate Democrats will continue to push for initiatives to provide additional funding for education. Many schools were shortchanged under the current state budget and are struggling to meet the needs of students and teachers. We will also be reviewing proposals dealing with property tax relief, energy cost assistance and transportation funding.

I hope you will take time to respond to my '06 legislative survey located inside this newsletter. Having your input on these important issues will help me when making decisions on the many proposals that will be considered.

It is a pleasure to serve the citizens of Senate District 45. I hope you will take time to contact me by mail, phone or email to express your views on pending legislation or if I can provide assistance to you. I look forward to hearing from you.

Wishing you a joyous holiday season and a healthy new year,

Jim Lewis

REPRESENTING SENATE DISTRICT 45
INCLUDING CLARK, JACKSON, JEFFERSON, JENNINGS, SCOTT,
SWITZERLAND AND WASHINGTON COUNTIES

Focus On: EMINENT DOMAIN

The use of eminent domain has received much attention since the U.S. Supreme Court ruled last summer to allow New London, Connecticut to seize 90 acres of private property for an up-scale economic development project. The plan called for the demolition of property in a neighborhood where some homeowners strongly objected. However, the Court ruled in favor of the development project stating that “promoting economic development is a traditional and long accepted function of government.”

Referring to the Fifth Amendment of the U.S. Constitution, many believe the original intent of eminent domain is to help local governments rid their communities of abandoned and unusable property in order to build public roads or schools—not to uproot property owners. Yet, under *Kelo vs. New London*, the U.S. Supreme Court preserved the rights of governmental units to utilize eminent domain. This ruling has raised numerous concerns.

The General Assembly was quick to take action and established an interim committee to study the use of eminent domain, especially where the proposed use of the property does not relate directly to providing a governmental service or fulfilling a governmental responsibility but is, rather, a commercial use. The committee has asked the legislature to consider the following recommendations:

- Define what would be “just compensation” for taking prop-

erty by eminent domain;

- Support the policy that eminent domain can only be used if there is no reasonable alternative;
- Authorize reasonable attorneys fees to be paid by the condemner in an eminent domain action and define what reasonable would be;
- Set a time limit in which taken property must be utilized or else it is offered back to the previous owner;
- Define what economic development would constitute if it is determined to be an allowable use for eminent domain, particularly to ensure that it is more than just an increase in local tax revenue;
- Define condemnation-eligible property more precisely and determine how many of these criteria must be met for a property to be taken by eminent domain. During last session, condemnation-eligible property was defined as an area needing redevelopment which is an area in which normal development and occupancy are undesirable or impossible because of several factors including the lack of development, cessation of growth, deteriorated or deteriorating improvements, character of occupancy, age, obsolescence, substandard buildings or other aspects that impair values or prevent a normal use or development of property.

The committee also recommended that if no consensus on legislation is possible during the upcoming short session, that a moratorium on the use of eminent domain be considered.

Should state government programs be privatized?

Change was expected upon the arrival of the new administration last January. In some cases, change may be needed, but a trend has emerged that is disturbing for many Hoosiers. The favored tool now being utilized is that of privatization.

Several areas of state government have already been handed over to private companies including the food service for all state prisons and the operation of the New Castle correctional facility. State hospitals, which care for some of our most vulnerable Hoosiers, have also been slotted for privatization as well as Indiana’s Temporary Assistance for Needy Families (TANF), Food Stamp and Medicaid programs. This administration is also exploring whether to allow private businesses to log in our state forests, operate the inns at our state parks and take control of the I-80/90 Toll Road.

Privatization raises many concerns. Out-of-state companies are awarded huge state contracts, but despite the fact that these contracts are paid for by our tax dollars there is virtually no public oversight of their performance. These businesses are not required to follow the same open record laws as state agencies.

When state government privatizes certain functions, the quality and eligibility of those that need services can be diminished. The public has no idea how the programs are operating, the number of people who are getting services or the amount of compensation that company executives are receiving in salaries and benefits. It is hard to see how the public can be assured that its tax dollars are being used wisely unless there is total accountability. In addition, we know that privatizing such things as wel-

fare has failed in other states including Wisconsin and Colorado.

Instead of trying to fix problems from within state agencies, the governor has instead chosen to take risks through privatization. Countless state employees may lose their jobs or be forced to take positions with new private contractors at lower wages with fewer or no benefits.

This is a serious issue that could potentially have a major impact on the lives of thousands of Hoosiers. With the governor’s propensity to lean toward privatization, it is likely that legislation will be considered that will call for a review of any plans to turn over control of state services to private vendors.



You may also complete this survey on-line at www.in.gov/S45

Feel free to have another family member respond to questions in column #2.

Respondent #1 Respondent #2

1. Do you support the implementation of new local sales and/or income taxes if this would help to reduce property taxes?
2. Do you support the awarding of contracts to allow out-of-state companies to operate certain state government services and programs?
3. Do you support legislation which would require legislative review of efforts to privatize state governmental services?
4. Do you support legislation which would require Indiana Senate confirmation of state department heads similar to what is done in 48 other states and at the federal level?
5. Do you support the sale or lease of the Indiana Toll Road to a private entity to operate and control?
6. Do you support legislation to legalize electronic gaming machines, i.e. cherry masters and pull tabs?
7. Do you support an increase in the current \$5.15 per hour minimum wage?
8. Do you support the state giving local units of government the option to consolidate various government functions at their own discretion?
9. What do you believe are the most pressing issues facing the State of Indiana? (Please rank 1 through 5 with 1 being the most important.)

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| Oppose <input type="checkbox"/> | Oppose <input type="checkbox"/> |
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Education
Environmental protection
Property tax relief
Health care access and affordability
Job creation and retention

PLEASE COMPLETE, DETACH HERE, FOLD, ADD POSTAGE, & RETURN.

Additional Comments: _____

Thank you very much for taking the time to complete this survey. Your opinions are very important to me!



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Connecting with you

Personal contact with constituents has a direct impact on the legislation we consider and what ultimately becomes law. In ongoing efforts to connect more efficiently, for those of you who have email access, I will be offering periodic email updates on issues facing the Indiana General Assembly. If you would like to receive these updates, please provide your email address below. or go on line to www.in.gov/s45 and subscribe now.

Email address is: (please print clearly)

Or subscribe online now at www.in.gov/s45.

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Lewis '06 Legislative Survey Response